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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,026	12/29/2000	Gary E. Sullivan	257/127	8705
30408 7590 01/23/2007 GATEWAY, INC. ATTN: PATENT ATTORNEY 610 GATEWAY DR. MAIL DROP Y-04 N. SIOUX CITY, SD 57049			EXAMINER LE, DEBBIE M	
			ART UNIT 2168	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 01/23/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/752,026

Applicant(s)

SULLIVAN ET AL.

Examiner

DEBBIE M. LE

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-17, 19-22 and 25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 5-17, 19-22, 25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments filed on 10/26/06. Claims 4, 18-23-24 are cancelled.

Claims 1, 11 and 14 have been amended.

Claim Objections

Claim 9 is objected to because of the following informalities: the claim recites the term "may be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

Art Unit: 2168

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 5-17, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US Patent 6,738,766 B2) in view of Moore et al (US Patent 7,000,015 B1) and further in view of Dharmarajan et al (US Patent 6,979,063 B1).

As per claim 1, Peng discloses a system for storing and retrieving data (col. 2, lines 32-48), comprising:

an identifier including three or more variables for identifying each data stored in said system, wherein one of said at least three or more variables is a location variables (Figs. 2b, 3a-b, col. 4, lines 64, col. 5, lines 1-7).

Peng does not explicitly teach a physical location variable relating to a physical location other than in a computer. However, Moore teaches at a physical location other than in a computer (as a physical location field of the user's home, col. 26, lines 22-27, 36-39, 55-67, col. 27, lines 1-3). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to store physical locations relating to a physical location other than in a computer because it allows users of Peng's system to register their physical location information to a server so that the server, in their precision of the location information said user provided, applications and services adequately conform their behavior to the realities of their locations in said user availability for a particular use.

Peng and Moore do not explicitly teach wherein one of said at least three variable is filled by a wildcard used as an identifier and in setting default preferences. However, Dharmarajan discloses wherein one of said at least three variable is filled by a wildcard used as an identifier and in setting default preferences (col. 7, lines 14-21, 43-47, as configuration settings file contains configuration settings and stores in a registry of computer, one of the parameter is undefined. The undefined parameter is as a wildcard character). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to implement at least three variable is filled by a wildcard used as an identifier and in setting default preferences as disclosed by Dharmarajan because it would allow a server computer to move to different location within the network, but still function properly in its new location because of its wildcard definition has been registered in the configuration file. The advantage is that it allows a server computer to correctly configure itself regardless of its location within a network.

As per claims 2-3, 5-6, Peng teaches wherein one of said three or more variables is a device identification variable, a timestamp for prioritizing said data, wherein said system includes a registry for storing said data, wherein said registry is provided in a database structure (Fig. 8, Fig. 3b, col. 5, lines 1-3, 48-65).

As per claims 7-10, Peng teaches wherein said three or more variables includes a device identification variable, an application identification variable and a user identification variable, a timestamp for prioritizing data, wherein one of said variables may be filled by a wildcard, wherein said system includes a registry and said

Art Unit: 2168

registry includes a database structure for storing said data (Fig. 8, Fig. 3b, col. 5, lines 1-3, 48-65).

Claim 11 is rejected by the same rationale as state in independent claim 1 arguments.

As per claims 12-13, Peng teaches a means for providing a floating value to said at least three variables, a means for associating a time stamp to said data (col. 5, lines 1-3).

Claim 14 is rejected by the same rationale as state in independent claim 1 arguments. Furthermore, Dharmarajan teaches filing one of said variable with a wildcard for enabling default settings to be set for (i) users not listed in the computer registry and (ii) for users listed in the registry but having no preferences (col. 7, lines 14-21, 43-47, col. 8, lines 63-67, col. 9, lines 1-13, as configuration settings file contains configuration settings and stores in a registry of computer, one of the parameter is undefined. The undefined parameter is as a wildcard character and the USER-USTORE configuration setting identifies a location that stores information corresponding to the user of a client computer making the request).

Claims 15-17, 20-21 have similar limitations as claims 2-3, 5-10; therefore, they are rejected under the same subject matter.

As per claim 19, Peng teaches deleting one or more data items that has been superseded by a subsequent data having same identifier but a higher time stamp value (Fig. 8, # 810).

Art Unit: 2168

As per claim 22, Moore teaches wherein at least one of said stored data further includes preference data (col. 26, lines 55-67).

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US Patent 6,738,766 B2) in view of Moore et al (US Patent 7,000,015 B1), in view of Dharmarajan et al (US Patent 6,979,063 B1) and further in view of Guturu et al (US Patent 6,581,075 B1).

As per claim 25, Peng, Morre, Dharmarajan do not explicitly teach means for deleting one or more data items that has been superseded by a subsequent data having the same identifier, but a higher time stamp value. However, Guturu teaches means for deleting one or more data items that has been superseded by a subsequent data having the same identifier, but a higher time stamp value (abstract, lines 5-8). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to implement the step of deleting one or more data items that has been superseded by a subsequent data having the same identifier, but a higher time stamp value as disclosed by Guturu because it would provide the system to resolve the conflict arising from problem of replacement updated.

Conclusion

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

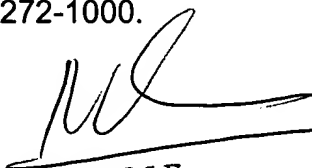
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2168

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DEBBIE LE
PRIMARY EXAMINER
1/16/07